

1 day-to-day basis, for example?

2 A. No.

3 Q. Did he have -- do you know who
4 the other 50 percent ownership was of those
5 stations?

6 A. The first individual I had met
7 on two or three different times; the second
8 individual I never met. I only knew about him
9 basically through, again, discussions with Peter.

10 Q. Well, did the -- in other words,
11 Mr. Boyce have 50 percent -- co-owners then of
12 the North Vernon station, is that correct?

13 A. That's correct.

14 Q. And did those co-owners then
15 manage the stations on a day-to-day basis? Is
16 that the way it was arranged, or do you know?

17 A. That changed. His first
18 co-owner was the manager of the station.

19 Q. Okay. Let's stop right there.
20 And in that circumstance what did Mr. Boyce do
21 when he had the first co-owner who was the
22 manager? Was Mr. Boyce in charge of the
23 engineering primarily?

24 A. He did the engineering with the
25 station, yes.

1 Q. Do you know if he performed any
2 duties other than engineering with the station?

3 A. Nothing -- well, I don't know
4 how you mean that, any other duty.

5 Q. Well, to your knowledge, how
6 often, for example, when he had the first
7 co-owner who managed the stations -- by the way,
8 the stations, there was both an AM and an FM, is
9 that correct?

10 A. That's correct.

11 Q. Were they co-located? Did they
12 have the same offices, same studios and same
13 staff?

14 MR. CAREY: I'm going to
15 object. I've sat and let you do quite a bit of
16 exploration around this, but I really don't see
17 the relevance to this case of how the North
18 Vernon stations were run.

19 MR. BERFIELD: I thought that in
20 your integration statement, Mr. Carey, you were
21 claiming broadcast experience for Mr. Boyce,
22 which I think you are.

23 MR. CAREY: I think the proper
24 way to test that is to ask him.

25 MR. BERFIELD: I certainly can

1 ask him, but I have a right to ask this witness,
2 who was up there at least 20 times and maybe is a
3 step removed. He may have information. I
4 certainly intend to ask Mr. Boyce, but I have a
5 right to -- I've established that this witness
6 has some information and I'm entitled to probe
7 it, and that's the area I'm in.

8 I don't have too many more
9 questions. I'm just trying to --

10 MR. CAREY: Okay. I'll withdraw
11 the objection for now, but I think we're pretty
12 far down that road.

13 Q. Well, under the first co-owner,
14 who was primarily the manager, Mr. Boyce, to your
15 knowledge, Mr. Boyce's primary functions with
16 respect to the North Vernon stations were
17 engineering, is that correct? And I'm not asking
18 you to speculate or talk about things that you
19 don't really know about, Mr. Young. Just what
20 you know about.

21 A. That's what I'm trying to add.
22 I was there, I think, twice when he was -- when
23 the first co-owner was there, and my length of
24 time there was probably a half an hour. So the
25 vast majority of the either evening or Saturday,

1 whatever, was in a ride between here and North
2 Vernon. Pete did whatever he had to do
3 engineering-wise and a couple of other things,
4 whatever; we got in the car and rode back.

5 Q. In other words, you made --
6 these trips would typically be made all in the
7 same day then.

8 A. Oh, yes.

9 Q. They were always made all in the
10 same day.

11 A. They were basically -- it's an
12 hour and a half ride up there and an hour and a
13 half back, and rather than Peter riding by
14 himself, he'd call and say, "What are you doing?
15 Do you want to ride along with me to North
16 Vernon?"

17 So my knowledge of what was
18 going on was extremely limited. We'd chat about
19 everything from the weather to snow to everything
20 else going up and coming back.

21 Q. Just a few more questions around
22 it and --

23 A. That's fine.

24 Q. Do you remember approximately
25 how many years you had -- Mr. Boyce had this

1 co-owner/manager situation in North Vernon?

2 A. The first one you're talking
3 about?

4 Q. Yes.

5 A. That was approximately five
6 years, I believe, four years or five years, I
7 think.

8 Q. And then after that a new 50
9 percent co-owner came into the picture, is that
10 correct?

11 A. That is correct.

12 Q. And did -- to your knowledge,
13 did this person, the second co-owner, did he
14 manage the stations in --

15 A. No, he did not.

16 Q. Was the second co-owner involved
17 in the stations at all, do you know -- or do you
18 know?

19 A. To about the same degree, is my
20 understanding. Again, I never met the
21 individual. In the whatever number of years that
22 they owned them, I never met that individual.
23 And I'm really not sure what the two -- how the
24 two of them broke down their duties --

25 Q. Okay.

1 A. -- and who did what as far as
2 co-owners.

3 Q. During the time that -- and then
4 are you aware that Mr. Boyce has recently sold
5 his interest in the North Vernon stations?

6 A. Yes, I am.

7 Q. During the time that Mr. Boyce
8 had an interest in the North Vernon stations, was
9 he also running MidAmerica Electronics on a
10 full-time basis?

11 A. Yes, sir, he was.

12 Q. Again, just answer it if you
13 know. Did Mr. Boyce's participation in the
14 management of the North Vernon stations increase
15 when the second co-owner came in as contrasted
16 with when the first co-owner was there, if you
17 know?

18 A. I really don't know.

19 Q. With respect -- do you plan
20 to -- in the event that MidAmerica's application
21 were granted by the FCC, do you plan to work in
22 the station in any capacity?

23 A. No.

24 Q. Now, do you plan to provide any
25 funds for the construction and operation of this

1 New Albany station if MidAmerica wins?

2 A. Yes.

3 Q. And would those funds be
4 advanced on what basis? Are you expecting
5 ownership for advancement of those monies?

6 A. No.

7 Q. Is it a loan?

8 A. Could be a loan.

9 Q. Have the terms of the loans been
10 reduced to writing?

11 A. No, they have not.

12 Q. Now, I think you answered this
13 question earlier, but in view of your answer to
14 the last question I just want to pin it down.
15 Had you previously ever advanced money or loaned
16 money to Mr. Boyce or to MidAmerica?

17 A. No.

18 Q. Have you ever had any
19 discussions with Mr. Boyce as to what his plans
20 are for managing or -- the New Albany station if
21 he gets the construction permit? Have you had
22 any discussions with him on that?

23 A. Not really.

24 Q. Do you know, does Mr. Boyce have
25 any plans to expand the business of the

1 MidAmerica Electronics Service?

2 A. By expand --

3 Q. Well, is he planning on, for
4 example, hiring additional employees?

5 A. Are you referring to...

6 MR. CAREY: Excuse me for
7 interrupting. You have to vocalize your answer.

8 Q. Let me start again. With
9 respect to the existing business, the MidAmerica
10 Electronics Service, Inc., apart from the radio
11 station application --

12 A. That's where my hesitation went
13 in --

14 Q. Right. Do you know, does
15 Mr. Boyce plan to expand that business as by
16 hiring new employees, or do you have any
17 knowledge one way or another?

18 A. I really don't have any
19 knowledge on that.

20 Q. I believe you've indicated you
21 and Mr. Boyce just returned from a trip to the
22 former Soviet Union. Was that in any way a
23 business trip?

24 A. No.

25 Q. Do you have any knowledge -- or

1 what would be -- if you have knowledge, what
2 would be your estimate of how many hours a week
3 Mr. Boyce presently devotes to his business?

4 A. I really have no knowledge on
5 his number of hours.

6 Q. To your knowledge, does it
7 involve work other than nine to five, Monday
8 through Friday?

9 A. Yes, it does.

10 Q. Are you the custodian of the
11 corporate records for MidAmerica?

12 A. No, I'm not.

13 Q. Who keeps those records?

14 A. Those are kept at the corporate
15 office.

16 Q. Do you file any kind of state or
17 federal reports or tax returns of any kind for
18 MidAmerica?

19 A. No, I don't.

20 Q. Have you seen a request for
21 document production in this case?

22 A. No, I have not.

23 Q. Did you have any -- play any
24 role in the preparation of the response to
25 document requests?

1 A. No.

2 (Off-the-record

3 discussion.)

4 Q. In your present occupation, is
5 that primarily fund-raising?

6 A. Yes, it is.

7 Q. Now, since the -- you said
8 you've described the one incident where you
9 looked at the MidAmerica Electronics application
10 before it was filed or about that time. Since
11 that time, have you had occasion to look at the
12 MidAmerica application?

13 A. I don't believe so.

14 Q. So it was just the one time when
15 you looked at the application, is that correct?

16 A. As closely as I can remember.

17 Q. Have you ever worked or been
18 associated with a broadcast station at all, radio
19 station?

20 A. In my job as regional director
21 we do fund-raising involving radio stations and
22 TV stations where we go in and do special events
23 related to those stations. Based on that, yes, I
24 have worked with broadcast stations with my job
25 at St. Jude's Children's Research Hospital. In

1 that point of view, yes, I have worked --

2 Q. Other than what you've just
3 described, that's the limit?

4 A. That's correct.

5 MR. BERFIELD: Okay. I think
6 I'm about finished, but I would like to take a
7 short break and talk to Mrs. Huber.

8 (At which time, a brief
9 recess was taken.)

10 MR. BERFIELD: Back on the
11 record. I believe that completes my
12 questioning. Thank you, Mr. Young.

13 MR. CAREY: I have just a couple
14 of follow-up, Mr. Young.

15

16 EXAMINATION

17

18 BY MR. CAREY:

19 Q.

20 Mr. Berfield asked you if
21 Mr. Boyce or MidAmerica have borrowed funds from
22 you. Let me ask you, has the opposite situation
23 occurred where you in the past at some point,
24 whether you could have financed the activity
25 otherwise or not, but for whatever reason you

1 borrowed funds from Mr. Boyce or MidAmerica?

2 A. Yes, I did.

3 Q. And was there a paperwork
4 documentation of that loan at that time?

5 A. No.

6 Q. At the time you -- that you
7 first talked about or agreed to make that loan or
8 for him to make that loan to you, was there a
9 discussion or recitation of precisely the terms
10 of the loan?

11 A. In general, yeah. At the time
12 of -- he loaned some money and I'll pay X
13 percentage as to something to pay back to him.
14 Nothing extremely formalized, no.

15 Q. Was the situation similar with
16 respect to the discussions you and Pete had
17 regarding you providing funding for MidAmerica's
18 application -- for construction of MidAmerica's
19 station if it's successful in this proceeding?

20 A. Yes, it was.

21 Q. Okay. At the time that
22 Mr. Boyce was showing you his application or
23 MidAmerica's application before it was filed with
24 the FCC, do you believe that he had a good
25 understanding of your finances at the time?

1 A. Yes, he did.

2 MR. CAREY: I think that's all
3 I've got. Let me take a moment off the record.

4 (Off the record).

5 Q. One more. At the time that
6 Mr. Boyce was showing you the application prior
7 to its filing with the FCC, were you aware that
8 you had been listed as a source of funding in
9 that application?

10 A. Yes, I was.

11 Q. Okay. Thank you. I have no
12 further.

13

14 REEXAMINATION

15

16 BY MR. BERFIELD:

17 Q. I have a few questions
18 occasioned by Mr. Carey's questions.

19 You had at a prior time received
20 a loan from Mr. Boyce, is that correct?

21 A. This is correct.

22 Q. Was it from Mr. Boyce or from
23 MidAmerica, or do you remember?

24 A. From Mr. Boyce.

25 Q. Okay. And you recall when that

1 was?

2 A. Ten, twelve years ago, something
3 in that neighborhood.

4 Q. Ten or twelve years ago?

5 A. Something in that neighborhood,
6 yes. I would have to dig out the exact dates and
7 times of it.

8 Q. And was that the only loan that
9 you'd received from Mr. Boyce?

10 A. Yes, to the best of my
11 knowledge.

12 Q. And do you remember what the
13 amount of that loan was?

14 A. No, I don't specifically.
15 Several thousands of dollars, rough ballpark.

16 Q. Was it --

17 A. It was in --

18 MR. CAREY: I'm going to object.

19 MR. BERFIELD: Well, let's try
20 to probe his memory. I think he's trying to
21 probe it himself.

22 Was it more than \$5,000 or less?

23 A. I really don't remember, to be
24 quite honest with you. It was involved with
25 another venture that I was doing at the time, and

1 that's been so many years ago, with everything --
2 I was involved with a couple of other people in a
3 project and I borrowed some money from Peter, and
4 I quite honestly do not remember the amount. I
5 could go back and dig up records and find out
6 what it was.

7 Q. You do have records that would
8 reflect what the amount of the loan was?

9 A. I hope I still have records of
10 that, yes. As I say, it was twelve or fourteen
11 years ago, and somewhere I may have records still
12 of that. I honestly do not remember the exact
13 amount of it. It was several thousand dollars,
14 but the exact amount --

15 Q. Whether it was five thousand or
16 eight thousand --

17 MR. CAREY: I'm going to object,
18 Mr. Berfield. I think you're beginning to badger
19 him on the point.

20 MR. BERFIELD: No.

21 MR. CAREY: I am going to object
22 and instruct the witness not to answer further
23 until we resolve this because he indicated to you
24 five minutes ago he was uncertain, and you're
25 badgering him to recall things he doesn't

1 recall. He made it clear he didn't recall
2 specifically, and now you're trying to push him.

3 MR. BERFIELD: Well, I can
4 understand, Mr. Carey, how you don't want him to
5 understand this very sensitive question.

6 MR. CAREY: No, Mr. Berfield --

7 MR. BERFIELD: I have a right to
8 probe, refresh -- (to the witness) Can you
9 remember whether it was under or over \$10,000?

10 MR. CAREY: I'm going to object
11 and advise the witness not to answer. He's
12 indicated he doesn't recall.

13 MR. BERFIELD: Well, he did say
14 several thousand dollars, Mr. Carey. Now, that's
15 what leaves it -- if he said I didn't recall at
16 all, that would be one thing, but when it's some
17 several thousand dollars, that invites a little
18 further articulation.

19 MR. CAREY: I'm going to object
20 and advise the witness not to answer. He's
21 indicated he's uncertain. Anything more would be
22 speculation.

23 Q. You have no recollection --

24 MR. CAREY: Mr. Berfield,
25 please. I'm going to terminate this deposition

1 if you address questions to him that I've got an
2 objection on the floor over.

3 MR. BERFIELD: You're
4 instructing him not to answer.

5 MR. CAREY: I'm advising him not
6 to answer, yes.

7 MR. BERFIELD: Well, you're
8 instructing him not to answer.

9 MR. CAREY: I'm advising him not
10 to answer. I do not instruct, Mr. Young. He is
11 a man of independent judgment. I'm advising him
12 not to answer. If you think I'm wrong, the phone
13 is in the corner.

14 MR. BERFIELD: Well, no, we'll
15 have another deposition and obviously he'll have
16 to answer.

17 I would just say this on the --
18 we will be requesting those records, Mr. Young,
19 as to that prior loan, so to the extent those
20 records are in existence, please keep them so.
21 And --

22 MR. CAREY: I do not advise
23 clients to destroy records, Mr. Berfield. And
24 I --

25 MR. BERFIELD: I didn't suggest

1 you did.

2 MR. CAREY: I hope there was no
3 insinuation in that --

4 MR. BERFIELD: None whatsoever.

5 MR. CAREY: Thank you.

6 MR. BERFIELD: None whatsoever.

7 The witness said he thought there was some
8 records, and I want it clear on the record that
9 those records may have some pertinence to this
10 case.

11 THE WITNESS: No, I don't --

12 MR. CAREY: Excuse -- (putting
13 hand up).

14 MR. BERFIELD: And, obviously,
15 we'll take the proper procedures to carry this
16 further.

17 I think that concludes our
18 questions for now. Thank you very much,
19 Mr. Young.

20

21

22

23 (DEPOSITION CONCLUDED)

24

25

1 STATE OF INDIANA)
2 COUNTY OF FLOYD)

3 I, ELLEN L. COULTER, a Notary Public
4 within and for the State at Large, do hereby
5 certify that the foregoing deposition of LARRY A.
6 YOUNG was taken before me at the time and place
7 and for the purpose in the caption stated; that
8 the witness was first duly sworn to tell the
9 truth, the whole truth and nothing but the truth;
10 that the deposition was reduced to shorthand
11 writing by me in the presence of the witness;
12 that the foregoing is a full, true and correct
13 transcript of the said deposition so given; that
14 reading and signature of the deposition by the
15 witness was requested; that the appearances were
16 as set out in the caption.

17 I further certify that I am neither of
18 counsel nor of kin to any of the parties to this
19 action, and am in no way interested in the
20 outcome of said action.

21 Witness my signature, this _____ day of
22 _____, 1993.

23 My commission expires February 27,
24 1994.

25

ELLEN L. COULTER, RPR
Notary Public, State
at Large, Indiana

SIGNATURE/CORRECTION SHEET

I, LARRY A. YOUNG, do hereby affirm
under the penalties of perjury that the foregoing
answers given are true and correct, with the
exception of the following changes:

<u>PAGE/LINE NO.</u>	<u>CORRECTION</u>	<u>REASON FOR CHANGE</u>
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LARRY A. YOUNG

Date: _____